

THE MESORAH SCHOOL
CITYWIDE RESOURCES FOR CHILDREN

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Received & Inspected

APR 14 2008

April 10, 2008

FCC Mail Room

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington DC, 20554

CC: 02-6

Re: CC Docket No. 02-6
Request for Review

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Dear Ms. Dortch,

This is a letter of appeal regarding funding year 2007 Form 471 Application Number 557561, Funding Request Number 1537371 for billed entity number 197816. The FRN was denied and reported as "...not being justified as cost effective".

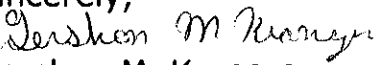
Throughout the Cost Effectiveness Review process, we were compliant and provided all information requested to justify and clarify our need for video conferencing. On January 28, 2008, we appealed the denial of our funding commitment decision to the Schools and Libraries Division and subsequently received a denial on our appeal, dated February 12, 2008, (see enclosed). As explained in our denial letter, "based on the documentation submitted during Initial Review, USAC has determined that the cost per student, cost of the videoconferencing unit and cost of the video codec unit is not cost effective".

In reviewing our funding request, please bear in mind that our school provides education to special-needs children. The use of technology for the benefit of students with disabilities has proven that these children gain significantly from the technology advancements

available. Our students have great difficulty learning in a standard classroom setting based on traditional lecture-type classes, since it is a challenge for these student to stay focused on the topic. Our students perform well in absorbing material that is taught through multi-sensory means. The video conferencing system we are requesting will enable us to provide simultaneous educational sessions in highly individualized classrooms via enhanced audio-visual presentation. While in regular mainstream classrooms, use of a video conferencing system is to *enhance* the standard learning and curriculum, in our classrooms such a system is an *integral component* to our vision of meeting our students' educational needs. It can help students deepen conceptual understandings and eases the transition from mere words to concepts and images. Such a system capitalizes on our students' unique abilities and interests, and many times, may be the only way that a student who is used to experiencing repeated failure through other methods, can achieve. The pricing of the system is a reality of the technology and its components and capacities that our school needs to meet its technology based educational plan. However, the price of the system is not an indication of its cost effectiveness. Rather, the system's capabilities and vital benefits to meeting our students' needs justify the expense at a greater cost per student than in mainstream schools.

Additionally, as a means of providing our students with interactive and stimulating hands-on learning experiences, we organize a large amount of field trips throughout the school year. Being able to utilize a video conferencing system to broadcast to multiple classrooms live or taped events or to display visual presentations of remote exhibits, is a more cost effective means to many of these physical trips.

Please re-instate our funding for this FRN so that the system can be installed and our students can begin receiving the benefits of this support for their highly specialized and individual educational needs.

Sincerely,

Gershon M. Kranczer
Principal



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2007-2008

February 12, 2008

Gershon M. Kranczer
The Mesorah School Citywide Resources for Children
1719 Avenue P
Brooklyn, NY 11230

Re: Applicant Name: THE MESORAH SCHOOL/CITY WIDE
RESOURCES
Billed Entity Number: 197816
Form 471 Application Number: 557561
Funding Request Number(s): 1537371
Your Correspondence Dated: January 28, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2007 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1537371
Decision on Appeal: **Denied**
Explanation:

- Upon review of the appeal and all relevant documentation, it has been determined that the Mesorah School Citywide Resources' funding request for Internal Connections has not been justified as cost effective as required by the Schools and Libraries Support Mechanism's rules and procedures. During Initial Review, you were asked to provide detail justifying the cost effectiveness of the requested services and products. Based on the documentation submitted during Initial Review, USAC has determined that the cost per student (\$2,112.82), cost of the videoconferencing unit (\$40,000) and cost of the video codec unit (\$2,400) is not cost effective. During Initial Review, you were notified that the funding request would be denied for not being cost effective and you were given the opportunity to provide alternative information. Your response provided information on why

the videoconferencing system is necessary for the school's educational programs, but this response does not justify the pricing of this system. Consequently, your response still did not justify the cost per student, cost of the videoconferencing unit and cost of the video codec. You have failed to provide evidence that USAC has erred in its decision.

- USAC denied your funding request because it was determined that the costs of the products and services in your funding request were significantly higher than the costs generally available in your marketplace for the same or similar products or services. There is no evidence that the reason for excessive costs were due to extenuating circumstances. You have not demonstrated on appeal that USAC's determination was incorrect. Consequently, USAC denies your appeal.
- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. See 47 C.F.R. secs. 54.511(a), 54.504(b)(2)(vii), 54.504(c)(1)(xi). See also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313, paras. 47-55 (Dec. 8, 2003) (Ysleta Order). Service providers shall not charge the entities a price above the lowest corresponding price. See 47 C.F.R. sec. 54.511 (b). In order to ensure that the applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective the costs of the products and services in a funding request are significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. See Ysleta Order para. 54.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company